



PATENT
Attorney Docket No. 11004US08/100-224.P1.C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

ROGER G. LITTLE II

Serial No.: 09/942,021

Filed: August 27, 2001

For: THERAPEUTIC USES OF
BACTERICIDAL/PERMEABILITY
INCREASING (BPI) PROTEIN
PRODUCTS

Examiner: David S. Romeo

Group Art Unit: 1647

Confirmation No.: 9954

Customer No.: 23446

Express Mail No.: EV 326568698 US

Date: September 22, 2003

AMENDMENT AND RESPONSE TO
OFFICE ACTION MAILED MARCH 21, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed March 21, 2003 in the above-identified application wherein claims 1-22 are pending, wherein claims 1, 3, 6-13 and 18-21 are withdrawn from consideration and wherein claims 2, 4, 5, 14-17 and 22 are variously rejected under 35 U.S.C. §101, the judicially created doctrine of obviousness-type double patenting, 35 U.S.C. §102, and 35 U.S.C. § 103(a). This response is timely filed, as a petition for a three-month extension of time and the requisite fee is filed herewith. Reconsideration and withdrawal of the rejections is respectfully requested in light of the following amendment and remarks as follows:

Serial No. 09/942,021
Amendment dated September 22, 2003
Reply to Office Action of March 21, 2003

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 6 of this paper.



09-24-3

1047

PATENT
Attorney Docket No. 11004US08/100-224.P1.C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 29 2003

T... CENTER 1600/2600

In the Application of:

ROGER G. LITTLE II

Serial No.: 09/942,021

Filed: August 27, 2001

For: THERAPEUTIC USES OF
BACTERICIDAL/PERMEABILITY
INCREASING (BPI) PROTEIN
PRODUCTS

Examiner: David S. Romeo

Group Art Unit: 1647

Confirmation No.: 9954

Customer No.: 23446

Express Mail No.: EV 326568698

Date: September 22, 2003

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for appropriate action are the following:

1. Amendment and Response to Office Action mailed March 21, 2003;
2. Petition for a three-month extension of time;
3. Check in the amount of \$465.00; and
4. Stamped, self-addressed, return-receipt-requested postcard.

The Commissioner is hereby authorized to charge any fees which may be required to
Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

DATED: September 22, 2003

Janet M. McNicholas

Janet M. McNicholas, Ph.D.
Reg. No. 32,918

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000 (Telephone)
(312) 775-8100 (Facsimile)